

REMARKS

1. The drawings are objected to on the basis that Fig. 15 appears to have 56a and 57a reversed. However, the amendment to the specification corrects the deficiency stated in this objection. With respect to the amendments to the specification, no new material has been added.
2. The abstract to the disclosure is objected to because Line 2, "Said" should be removed. The Abstract has been amended to comply with the Examiner's suggestion.
3. Claims 2, 3, and 6 – 8 are objected to because of various informalities. However the above substitute claims render these objections moot.
4. Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of the previous claim. However the above substitute claims render this objection moot.
5. Claims 1 – 8 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. However, argument of counsel and the above amended and substitute claims traverse these rejections as detailed below:
 - a. Claim 1, is rejected on the basis that at line 3 the phrase "or like strength, rigidity and durability" appears to be unclear, since "polymer" and "plastic" are referenced manufacturing materials. Protein is a polymer of amino acids, but its ability to be machined or formed into a 'strong, rigid and durable' sight body is questionable at best. Like wise, polystyrene and

polyurethane are plastic having an open cell structure and would hardly be suitable materials for a sight body. However, the term polymer and plastic as used in reference to the construction of firearms parts or components is well known to those skilled in the prior arts such that the use of the terms in this context is not indefinite.

- b. Claim 2 is rejected on the basis that there is insufficient antecedent basis for the limitation "the lower surface". However, the above substitute claims render this rejection moot.
- c. Claim 3 is rejected on the basis that insufficient antecedent basis exists for the limitations "the base" and "the vertical height adjustments" in lines 4 and 5. However, the above substitute claims render this objection moot.
- d. Claim 4 is rejected on the basis that insufficient antecedent basis exists for the limitations "the opposite ends" in line 3 and "the vertical height adjustments" in line 4. However, the above substitute claims render this rejection moot.
- e. Claim 5 is rejected on the basis that insufficient antecedent basis exists for the limitation "the lower surface" in line 2. However, the above substitute claims render this rejection moot.
- f. Claim 6 is rejected on the bases that the phrase "such as" renders the claim indefinite because the limitations following the phrase are part of the claimed invention and on the basis that the terms polymer and plastic are indefinite. However, the substitute claims render the rejection based on the phrase "such as" moot and as stated above, the terms polymer and

plastic are well known and common used in the relevant prior art such that the terms have definite meanings to those skilled in the art, therefore it is respectfully argued that such terms are not unclear with respect to firearms sights.

- g. Claims 7 and 8 are rejected on the basis that the phrase "polymer sight body" renders the claim indefinite and on the basis that insufficient antecedent basis exists for the limitation "said lower surface in Claim 8, line 5. The examiner also notes that the phrase "or flex washer" should be inserted after "flex plate" as both are recited previously and are considered to be co-limitations. However, as discussed above, the terms polymer and plastic have well defined meanings in the relevant prior art and are not unclear to one skilled in the relevant prior art. In addition the above substitute claims render the rejection based on insufficient antecedent basis for the limitation "said lower surface" moot.

In regards to § 102(b)

6. Claim 1 is rejected under 35 USC §102(b) as anticipated by US Patent No. 1,438,695 to Burton. The Applicant has amended claim 1 which renders this rejection moot. The elements disclosed in Claim 1 are functionally different from the elements disclosed in Burton as will be discussed below.

In regards to § 103(a)

7. Claims 2-5, 7 and 8 are rejected under 35 USC §103(a) as unpatentable over Burton. However, the above new claims and argument of counsel below traverses this rejection with respect to claims 2-5 and claims 7-7.

8. With respect to Claim 2 (claim 2 is canceled, however the claimed element is contained in amended claim 1 and substitute claims 11, 16-18), the applicant respectfully asserts that threaded insert does not function in substantially the same manner as the knurled elevation nut (referenced by the examiner as a threaded insert 18). In Burton, the knurled elevation nut functions to raise and lower the aperture screw as it is rotated in the sight body. In the present invention, the threaded insert serves two completely functions. First, it secures the aperture screw in the polymer sight body and second, the flange interfaces with the flex plate to secure the sight body to the female dovetail cut into the firearm. The threaded insert is a necessary component of the sight of the present invention because the polymer material which the sight body is constructed from is not sufficiently hard enough to receive the steel threads on the aperture screw. The flange interfaces with and secures the flex plate to the sight assembly. The flex plate is necessary to secure the polymer sight body to the female dovetail on the firearm. Therefore the flex plate performs a completely different function than the knurled elevation nut of Burton.
9. With respect to claim 3, (claim 3 is canceled, however the claimed element is contained in substitute claims), the applicant respectfully asserts that the spring clip 56 and spring clip notch 80 are not merely a rearrangement of the elements disclosed in Burton (spring 22, folds 25 and notches 26) because the spring clip and notches in Burton remain in the same plane as the elevation nut is rotated, however, in the present invention, each rotation of the aperture screw changes the vertical position of the aperture screw and spring clip notch

relative to the spring clip, the mechanism of the present invention is designed to accommodate such changes in vertical position which are not addressed in Burton.

10. With respect to claim 4, (claim 4 is canceled, however the claimed element is contained in substitute claims), the applicant respectfully asserts that the plunger 57a, plunger spring 56a and plunger notch 80a are not merely a rearrangement of the elements disclosed in Burton (spring 22) because the spring clip and notches in Burton remain in the same plane as the elevation nut is rotated, however, in the present invention, each rotation of the aperture screw changes the vertical position of the aperture screw and plunger notch relative to the plunger, the mechanism of the present invention is designed to accommodate such changes in vertical position which are not addressed in Burton.
11. With respect to claim 5 (claim 5 is canceled, however the claimed element is contained in substitute claims), the applicant respectfully asserts that the flex washers are do not serve the same function as the plunger of claim 3 or the spring clip of claim 4 in Burton. Rather, the flex washers represent an alternative embodiment of the claimed invention in which they serve the same function as the flex plate. Specifically, the flex washers interface with the flange on the threaded insert and are dimensioned such that the outer edge of the flex washer engages the female dovetail on the firearm, securing the sight body to the firearm. As with the flex plate, the flex washers are necessary to

secure the polymer sight body to the female dovetail cut into the steel surface of the firearm. Therefore, instead of being a duplication of the plunger or spring clip, the flex washers performs a completely different function than the plunger and spring clip of Burton.

12. With respect to the method claims 7 and 8 these it is respectfully asserted that in of the above amended and substitute claims and argument regarding the 35 USC § 103 rejections, that these claims likewise are not rendered Inherent by Burton.

**In Regards to an Anticipated 103 Rejection
Based on Newly Submitted Prior Art**

13. The applicant has filed an information disclosure disclosing the XS Sight Systems sight ("the XS sight"). In anticipation of a possible 35 USC §103 rejection based on this prior art, applicant would respectfully assert that this sight is different in the following respects. The XS sight lacks a mechanism for providing click stops for each increment of elevation adjustment but rather employs a pair of set screws which must be tightened with a screw driver to lock the screw at a particular increment of vertical adjustment, a serious problem for a user who wishes to adjust the sight in the field. In addition, the XS sight is manufactured from steel therefore it is more expensive to manufacture and doesn't utilize a flex plate for mounting to a female dove tail. Finally, the element on the XS sight which resembles a threaded Insert functions in a completely different manner and serves a different purpose, specifically this element serves the function of providing horizontal windage adjustment for the sight. The screw is threaded into the insert element which

is shaped to resemble a male dovetail. The male dovetail shaped insert then slides horizontally in the female dovetail shaped element of the sight and is locked in horizontal position by the above mentioned set screws. Because each element of the XS sight serves a different function or functions in a different manner than the corresponding element in the present invention the applicant respectfully submits that the XS sight does not serve as a proper basis for a rejection under 35 USC §103.

14. A petition and fee for extension of time in the present response of 2 months is enclosed herewith. Therefore this amendment is timely filed as of the date of deposit shown below.
15. Applicant respectfully requests allowance of claims 1 and new claims 9-18 , as the above amendment has placed these claims into condition for allowance; there being now 3 independent claims and 11 total claims in the application no further fees for additional claims are required.
16. In closing, I wish to express my appreciation for your kind consideration and helpful comments.

Respectfully submitted,


Jeffrey M. Collins, Patent Registration 51,576